

SPECIAL MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 6:00 PM

February 13, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

Special Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor McKay at 6:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance. Council Member Hartmann arrived later to the meeting.

Discussion

3. US 27 Employment Center – List of Permitted Uses

Mayor McKay started the Special Meeting by addressing the attendees as to what was going to happen during the discussion. He advised there wasn't going to be a lot of public comment during the discussion as the meeting was intended for the Town Council and the residents were invited to attend to observe and listen to the process. He advised if the residents wanted to remain for the regular meeting afterwards, they could make their comments during the public comment section. Assistant Planner Jeff Katims provided a quick background of the item that was being discussed, which is to go through the list of land uses for the U.S. 27 corridor that the Comprehensive Planning and Advisory Board has reviewed and recommended be allowed along the corridor. The Town Council received the list and the intent was to identify any uses that should be added or subtracted to or from the list and by extension determine if the Comprehensive Plan should be amended as needed to allow some of the uses that wouldn't currently be permitted under the plan. Finally, the Council would decide to allow business uses on the West and East side of US 27 as is currently provided in the Comprehensive Plan.

Mayor McKay read into the record a statement related to the issue being discussed. It stated the Comprehensive Plan Board and the Council felt U.S. 27 would be the best place for future commercial development in the Town. Mayor McKay pointed out the area being discussed on the aerial map displayed behind him to provide the residents with a better understanding of the location to be developed and explained the area is completely buffered from residents by the cemetery. He stated he understood the residents' concerns, but the Town needs some commercial development, as it would provide revenue to the Town and will be beneficial to the residents in terms of providing a cushion against tax increases. Mayor McKay also advised the residents that the property owner has the right to make requests and developers understand what the market is asking for. He explained if the Town limits the uses to what the Town likes, or allows multiple uses, and if nothing gets developed, the market does nothing. Mayor McKay wanted to ensure the Town is fair and reasonable in their decisions as the last thing the Town wants is to lose

developmental control of the property and not receive any revenue from it as well.

Town Attorney Poliakoff clarified the meeting is for the Town Council to discuss a policy decision solely as to how the Town Council envisions the future of the U.S. 27 Corridor. He stated there isn't an item before the Council at this time, just a discussion between Council members to see if they can come to an agreement as to how they wish to proceed.

Vice Mayor Schroeder stated that the discussion on commercial development of U.S. 27 has been going on for a long time. She reviewed the list and there were one or two key items some of the Council wasn't comfortable with. She felt not having commercial development of U.S. 27 would be a shame because having it developed commercially would offset the ad valorem assessed to residential properties. The Town doesn't collect a lot of money from the residential ad valorem, it relies on other financial avenues to arrive at an acceptable number. Vice Mayor Schroeder personally felt it wasn't a big deal to put something out on U.S. 27 that would be conducive to the Town, such as a hotel or a truck stop for truck drivers. She felt developing the U.S. 27 Corridor is a good financial offset for the Town.

Mayor McKay explained the actual location of the property and what is around that area. He pointed out the only affected area would be the cemetery and it has a 660-foot buffer. He also stated that no matter what was going to be put out there, there are strict compliance rules through the state and the county regarding water safety. He didn't feel the Town should put "handcuffs" on the owner if they want to develop the property for the better. The Town would get the tax revenue and the tax base, it would supply jobs and it may provide the residents with a product or service.

Council Member Amundson stated her main concern was to keep the Town's per household taxes as low as is possible. If nothing ever gets developed in the Town other than housing, the taxes will increase quite a bit. She stated the Town needs to keep their eyes open to the needs of the Town, not just the wants. She recalled going to the truck stop to pick up grocery items as the only grocery store around at the time was on Griffin Road and University Drive. She went to the truck stop for gas when she needed it and not once in 40 years has there been an issue, such as a ruptured gas tank or items being dumped in the canals.

Assistant Planner Jeff Katims advised the Town has already adopted a land-use category out on U.S. 27 that allows business uses such as light industrial that are environmentally neutral that aren't incompatible with the residences out there even though the cemetery is a buffer. There are two issues, the original list that was accepted by the Town Council a long time ago and the same list that was recently updated and amended by the Comprehensive Plan Advisory Board that needs to be accepted by the Town Council. Secondly, the owner of the property submitted a request for four additional land-uses to be considered by the Town Council. There aren't any zoning regulations applicable to U.S. 27 yet and the property along there hasn't been changed from the agricultural designation that is currently on the land-use map. This meeting was intended to plan for what eventually may happen and the uses that come out of the meeting will help the Town prepare zoning regulations when the time comes.

The property owner addressed the Town Council and provided an overview of the area that was being discussed. He advised the Town Council he will field any questions they may have. He did request an additional four land-use items be added to the list. They were: 1) gas stations/fuel sales 2) truck-stop service plaza with restaurant, service station, mini food mart repair and service garage 3) motor vehicle repairs and service stations and 4) motor vehicle truck and equipment wholesale and public auctions.

Vice Mayor Schroeder stated she read through the list and there were 50 items that were specifically prohibited use and they are items that may be bad for the environment, however there were a few items on the list that were questionable, such as a nightclub or an adult entertainment venue. She would just like the public to keep an open mind.

Council Member Jablonski provided his own bit of history of the acceptable land-use for the U.S. 27 corridor. He spoke on the process of going through the uses. The Comprehensive Plan Board went through it and increased the list from 50 to 79 uses, four of which needed to be accepted by the Town Council. He stated he is very comfortable with the list that was increased. Mayor McKay asked Council Member Jablonski what the issue was with the additional four the property owner requested, and he replied that there is an infinitesimal amount of problems that could possibly happen, and he doesn't want to entertain them just in case. Mayor McKay reiterated that everybody's thoughts and opinions matter and unless all five Council Members agree, nothing will happen on U.S. 27.

Council Member Amundson restated she didn't think a gas station out on U.S. 27 would be a problem since the truck stop has been there over 40 years. U.S. 27 has a lot of traffic and as time goes on, the traffic is increasing and it makes sense, plus it would be convenient for the Town's residents as well.

Vice Mayor Schroeder was curious as to why an adult entertainment venue was a prohibited use. Council Member Hartmann offered an explanation. He had been on the Comprehensive Plan board before being elected to the Town Council. Locations for commercial development had been discussed for several years. The Town Council asked the Comprehensive Plan board to look at the main corridors of town to see what had the potential for commercial development. The Comprehensive Plan board looked at Griffin Road, Flamingo Road, Sheridan Street and U.S. 27 and at that time everybody agreed U.S. 27 was the ideal spot for development. He stated the Comprehensive Plan board came up with some principles to decide what should go out on U.S. 27 based upon minimal impact to the community such as noise pollution, air and water pollution and crime. Council Member Hartmann stated the Comprehensive Plan board spent close to two years discussing the land-uses for the U.S. 27 corridor and that is how the list came to be and to answer Vice Mayor Schroeder's question, adult entertainment venues historically are not in resident's backyards and the Comprehensive Plan board wanted to keep it that way. He also clarified to the public the difference between residential ad-valorem tax and commercial tax revenues and provided a PowerPoint presentation regarding the property in discussion. Council Member Hartmann stated he was getting a lot of phone calls and emails from his district constituents that were not in favor of developing U.S. 27 which was why he put together the presentation. He said there are good reasons not to develop U.S. 27.

Mayor McKay stated considering Council Member Hartmann's apparent opposition to the development of the U.S. 27 corridor, he felt there wasn't any need to continue further discussion, to which Council Member Hartmann countered that there was still some discussion to be had. Council Member Hartmann said there was still a list of 89 items that have already been vetted. He made a motion to accept those items and move them forward for the ordinance that would be required to grant those usages to the property owner and start the process of changing the land-use and zoning regulation. Mayor McKay replied he was somewhat in agreement with Council Member Hartmann's recommendation, but he would like to also like to move the items the property owner had supplied, from the prohibited uses list and make them neutral so if the property owner came back at a later date to request those uses on a case by case basis, it would be a simpler process. Council Member Hartmann stated even if the uses remained on the prohibited list, the property owner could still come back later to request the change and he would like to keep them on the prohibited list. Council Member Jablonski seconded Council Member Hartmann's motion. Council Member Hartmann asked Town Attorney Poliakoff if the motion he made require a 5-0 vote or a 3-2 vote and Town Attorney Poliakoff stated the Town Council isn't voting on anything at the meeting. What is being asked is to bring back an ordinance for the Town Council's approval that contains all 89 accepted uses and the other uses that are prohibited and at that time the item will be fully debated by the Town Council and the public. A motion isn't needed, the Town Council can direct Town staff to bring back the ordinance. The Town Council can direct when they would like the ordinance to be presented to make sure everyone is present at that time. Town Attorney Poliakoff asked the Town Council when they would like the ordinance to be brought back to them and Council Member Hartmann opened it up to the Town Council and asked Assistant Planner Katims the time frame needed to draft the ordinance. Assistant Planner Katims said he didn't think it was appropriate to draft the ordinance until he had all the items needed to support the ordinance. There needs to be a complete set of zoning regulations that includes development standards, parking and signage and once all that is completed the ordinance can be brought back to the Town Council. He suggested not putting a time or date certain yet until direction has been given. Council Member Hartmann asked how much time Assistant Planner Katims needed.

Council Member Amundson asked what the difference between fuel storage, under acceptable uses and gas station, under prohibited uses was. She stated fuel is fuel to her mind and Council Member Hartmann explained what the difference between ancillary use and primary use. Council member Jablonski stepped in and stated the two gas stations in Southwest Ranches bring in about \$12,000.00 worth of revenue each which is less than \$5.00 a person.

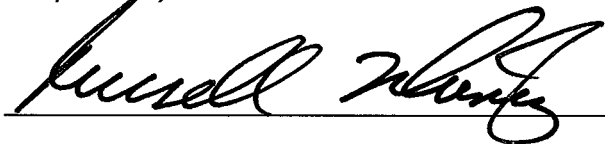
The property owner asked the Town Council to please try to expedite the process as quickly as possible because they can't move forward until the item is approved and to please reconsider some of the uses the Town was prohibiting. The property owner's son stepped up and advised a local retailer would like to expand into the Town, but it's hard to be a retailer and not have a repair service as well.

Town Attorney Poliakoff addressed the Town Council and stated he just had a sidebar with Assistant Planner Katims regarding when he can have a draft copy of the ordinance. He stated

the draft ordinance can be ready for the May 28, 2020 Town Council meeting providing there aren't any delays. If there are, the Town Council will be advised. Town Attorney Poliakoff asked if this was acceptable to the Town Council. The Town Council agreed. Council Member Hartmann had a couple of questions for Assistant Planner Katims. He wanted to clarify that to get the actual drafted ordinance, there first had to be zoning changes which was one ordinance and then land-use Comprehensive Plan changes which is another ordinance and he wanted to make sure Assistant Planner Katims was comfortable with 90 days given the amount of work it will take. Assistant Planner Katims advised Council Member Hartmann, the Comprehensive Plan amendment ordinance was basically prepared, and it was just a matter of getting it in front of Town Council for acceptance. As far as the zoning ordinance, Assistant Planner Katims was shooting for the end of May. Town Attorney Poliakoff mentioned, if it cannot be created during the time frame correctly, the Town Council would be notified and request a later date to bring it to them. Council Member Hartmann then asked Assistant Planner Katims, if everything goes as planned, the whole land-use item could be potentially wrapped up by the end of June, which Assistant Planner Katims confirmed. Vice Mayor Schroeder asked if the ordinance will be for both sides of the U.S. 27 corridor and she was advised that it would. Mayor McKay adjourned the meeting.

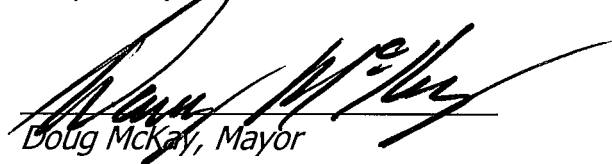
4. Adjournment – Meeting was adjourned at 7:35 PM.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 30 day of July, 2020.



Doug McKay, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.